

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12839 of 2022

Gulam Mustafa Alli

....

Petitioner

-versus-

R.T.O., Sundargarh & Others

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

27.05.2022

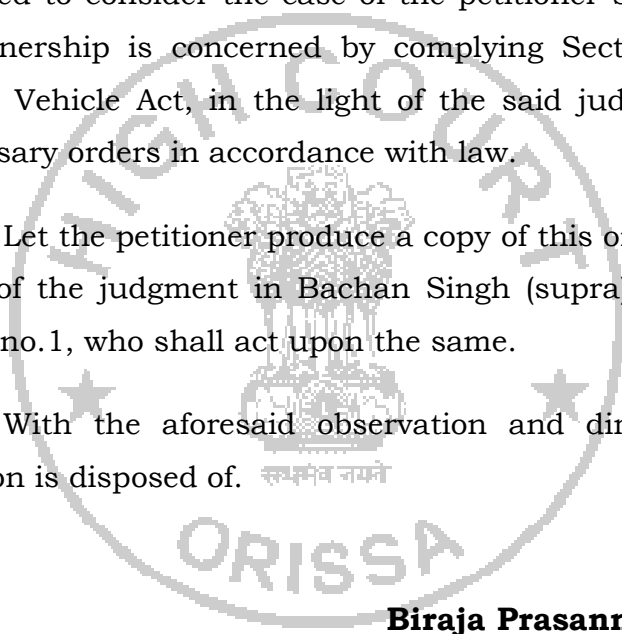
Order No

1. This matter is taken up through Hybrid Mode.
2. Heard Mr. B.M. Sarangi, learned counsel for the petitioner and Mr. P. Behera, learned Standing Counsel for Transport Department.
3. The petitioner has filed this writ petition seeking direction to transfer the ownership without insisting imposition of penal tax of the previous owner on the petitioner of the vehicle bearing Regd. No. OD 16D 3491 and seeks direction to waive the penalty imposed on him.
4. Mr. B.M.Sarangi, learned counsel for the petitioner submits that the petitioner purchased the vehicle bearing Regn. No. OD 16D 3491 on auction conducted by the authorities and therefore, for the period he is in possession, he is liable to pay the tax and he is not liable to pay if any outstanding is there against the previous owner.
5. Considering the contentions raised by the learned counsel for the petitioner and on perusing the materials available on record, it appears that the petitioner purchased the vehicle pursuant to the auction held by the authorities and as against

the outstanding tax against the previous owner, the authorities have demanded the tax along with penalty. With regard to the contention of the petitioner that being an auction purchaser he is not liable to pay the tax outstanding against the previous owner, the said question has been decided by this Court in ***Bachan Singh v. The Road Transport Officer, Rourkela, Sundargarh and others***, 2009(II) OLR 183.

6. In that view of the matter, taking into consideration the ratio of the judgment referred to supra, opposite party no.1 is directed to consider the case of the petitioner so far as transfer of ownership is concerned by complying Section 51(5) of the Motor Vehicle Act, in the light of the said judgment and pass necessary orders in accordance with law.

7. Let the petitioner produce a copy of this order along with a copy of the judgment in Bachan Singh (supra) before opposite party no.1, who shall act upon the same.

8. With the aforesaid observation and direction, the writ petition is disposed of. सत्यमेव जयते

Biraja Prasanna Satapathy
(Vacation Judge)

Subrat